

riety the means of administering justice at home. The acts, testimonials, and documents thus drawn from abroad, are accepted as a courtesy from the foreign nation, and accredited, not upon the ground of their having any force or operation in the country from which they are derived, (*d*) but because of the value set upon them by the tribunal before which they are used. They are nothing where taken; but duly and properly appreciated here where they are allowed to be, to a certain extent, available. (*e*)

Considering the great intercourse between the several states of our Union, it is obvious, that in many cases it would be difficult to do justice unless the courts of the several states should lend their aid to each other in matters, from any jurisdiction over which, all other judicial power was excluded. (*f*) It seems that some of the English courts have held, that no difference in point of reason or law, exists between affidavits made in Ireland and Scotland, and those made abroad; (*g*) but others of the English tribunals have entertained a higher respect for such acts coming from the sister kingdoms of Scotland and Ireland, than from foreign nations. (*h*)

In accordance with the principles of these last mentioned English authorities, I feel disposed to go forward with the spirit of the federal constitution, and to allow all such ancillary testimonials, derived from any sister state or territory of our Union, to be used in a course of judicial proceeding without strictly exacting all those solemnities and forms of authentication usually required for the admission of similar testimony from an entirely foreign nation. It is not saying too much to aver, that all the public functionaries, of

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(*d*) *Kennedy v. Earl of Cassillis*, 2 Swan. 322.—(*e*) *Parsons v. Dunne*, 2 Ves. 60; *Gason v. Wordsworth*, 2 Ves. 325, 336; *Minet v. Hyde*, 2 Bro. Ch. C. 663; *Bourdillon v. Adair*, 3 Bro. C. C. 237; *Hornby v. Pemberton*, Mosely, 58; *Campbell v. French*, 3 Ves. 321; *Garvey v. Hibbert*, 1 Jac. and Walk. 180; *Thurlt v. Faber*, 18 Com. Law Rep. 136; *Turnbull v. Moreton*, 18 Com. Law Rep. 215.

(*f*) *Kennedy v. Earl of Cassillis*, 2 Swan. 313.

*TAYLOR v. TAYLOR*.—‘This 5th day of March, 1713, a commission came from Doctors Commons to the honourable the president and council, or any of them, to examine witnesses in a cause depending at said Commons, betwixt John Taylor, of the city of London, merchant, and Mary Taylor, in said Commons, fourteen days’ notice to be given to Robert Bradley, substituted the proctor of the said Mary. His honor Edward Lloyd, Esq. (then Chancellor) Orders, that summons issue for such evidences as Charles Carroll, Esq. substituted for the proctor of the said John Taylor, shall require.’—*Chancery Proceedings*, lib. P. L. fol. 63.

(*g*) *Omealy v. Newell*, 8 East, 372.—(*h*) *Annesley v. Anglesey*, Dick, 90; *Chicot v. Lequesne*, Dick. 150; *Johnson v. Smith*, Dick, 592; 2 Fowl. Exch. Pra. 337; *Braham v. Bowes*, 1 Jac. and Walk. 296; *Ex parte Worsley*, 2 H. Blac. 275; *Dalmer v. Barnard*, 7 T. R. 251.